

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-M-376-2014 (O&M)
(converted to petition u/s 13-B of the Hindu
Marriage, Act 1955)
Date of Decision: 24.05.2019

GURPREET SINGH

...Appellant/Petitioner No. 1

Vs.

RUBALJIT KAUR

....Respondent/Petitioner No. 2

CORAM: **HON'BLE MR. JUSTICE RAKESH KUMAR JAIN.**
HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Appellant/Petitioner No. 1 in person with
 Mr. A.S. Syan, Advocate.

Respondent/Petitioner No. 2 in person with
 Mr. Arjunveer Sharma, Advocate.

CM-11475-CII-2019

This application is filed for seeking pre-ponement of the date of hearing in the main appeal from 18.10.2019 to an early date.

Notice in the application.

Since, the petition is filed by both the parties for seeking decree of divorce by way of mutual consent, therefore, present application for seeking pre-ponement in the date of hearing is allowed and the main appeal is taken on board today itself.

Application stands disposed of.

CM-11476-CII-2019

This application is filed for seeking waiver of the mandatory period of six months for the purpose of grant of decree of divorce under Section 13-B of the Hindu Marriage Act, 1955 (for short "the Act").

Since, the petition is filed by both the parties for seeking decree of divorce by way of mutual consent and that both the parties are still ready and willing to part ways by way of decree of divorce by mutual consent,

FAO-M-376-2014 (O&M)

therefore, present application is allowed and the statutory period of six months under Section 13-B of the Act is hereby waived off.

Main Case.

This appeal has arisen from the judgement and decree dated 12.05.2014 by which petition filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') by the appellant-husband for dissolution of marriage by a decree of divorce was dismissed.

During the pendency of the appeal, both the parties decided to dissolve their marriage by mutual consent and in view thereof, an application was filed under Order 6 Rule 17 read with Section 151 of the CPC for amendment/conversion of the petition filed under Section 13 of the Act into a joint petition under Section 13-B of the Act which was allowed and taken on record on 13.05.2019. The parties have also entered into an agreement which was reduced into writing on 08.04.2019 (Annexure A-1) which bears the signatures of both the parties.

As per the said agreement, appellant-husband has already paid ₹3,00,000/- to the respondent-wife towards full and final settlement.

Both the parties have recorded their first motion statement on 13.05.2019 and have put in appearance for recording the second motion statement. We have categorically asked both of them about their intentions on dissolution of their marriage by way of mutual consent. In response thereto, both the parties have stated that they have voluntarily filed the petition under Section 13-B of the Hindu marriage Act, 1955 without any kind of coercion and undue influence. Both of them have stated that they would stick to their first motion statement recorded on 13.05.2019. The second motion statement of the parties is, thus, recorded separately and taken on record.

FAO-M-376-2014 (O&M)

Thus, in view thereof, the present petition filed under Section 13-B of the Act is hereby allowed and the marriage of the parties, performed on 15.04.2011, is hereby dissolved by a decree of divorce by mutual consent.

Decree sheet be prepared accordingly.

[RAKESH KUMAR JAIN]
JUDGE

May 24, 2019
Ess Kay

[HARNARESH SINGH GILL]
JUDGE

<i>Whether speaking / reasoned</i>	:	<i>Yes</i>	<i>/</i>	<i>No</i>
<i>Whether Reportable</i>	:	<i>Yes</i>	<i>/</i>	<i>No</i>